

**ORIGINAL****-POOR QUALITY  
ORIGINALS ATTACHED-**In the United States District Court  
For the Western District of Michigan**DUSTIN ROBERT HUFFMAN**

#429958,

**FILED - MQ**

July 29, 2008 10:01 AM

RONALD C. WESTON, SR., CLERK  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: cam /

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v.

[REDACTED] **ATTORNEY'S**  
[REDACTED] **WOMEN'S LEGAL SERVICES,**  
**DEFENDANT****2:08-cv-182**

R. Allan Edgar, US District Judge

Timothy P. Greeley, US Magistrate Judge

(Enter above the full name of the defendant or defendants in this action.)

**COMPLAINT****I. Previous Lawsuits**

**CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the required \$350 filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350 filing fee regardless whether your complaint is dismissed.**

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☒ No ☐
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.

1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.

**(USDC) FOR THE W.D. OF MI, NORTHERN DIVISION**

2. Is the action still pending? [REDACTED] No ☒
- a. If your answer was no, state precisely how the action was resolved: **DISMISSED FOR FAILURE TO STATE A CLAIM 28 USC § 1915(E)(2) & 1915A(b), & 42 USC § 1997e(c).**

3. Did you appeal the decision? Yes ☐ No ☒

4. Is the appeal still pending? Yes ☐ No ☒

a. If not pending, what was the decision on appeal? \_\_\_\_\_

\_\_\_\_\_

5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☒

If so, explain: \_\_\_\_\_

\_\_\_\_\_

II. **Place of Present Confinement** Marquette Branch Prison 1960 U.S. 41 South Marquette, MI 49855

If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, also list the place you were confined: [REDACTED]

III. **Parties**

In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.

A. Name of Plaintiff Dustin Robert Huffman #429958

Address Marquette Branch Prison 1960 U.S. 41 South Marquette, MI 49855

In Item B below, place the full name of the defendant in the first blank, his or her official position in the second blank and his or her place of employment in the third blank. Use Item C for the names, positions and place of employment of all additional defendants. Attach extra sheets as necessary. State whether you are suing each defendant in an official or personal capacity.

B. Defendant [REDACTED] WOMEN'S LEGAL SERVICE is employed as PRIVATE ATTORNEYS,  
OUT-SIDE CONTRACTOR (MDOC) DIR. OFFICE at P.O. 30003, LANSING,  
MI 48909, DIR. CARUSO HIRE THEM AND KNOWS HOW TO LOCATE THEM.

C. Additional Defendants [REDACTED]

All Defendants are being sued in their [REDACTED] personal capacity.

V. **Statement of Claim**

State here, as briefly as possible, the facts of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

①. THE DEFENDANTS WERE ACTING IN [REDACTED] UNDER COLOR OF STATE  
LAW ON THE JOB EXERCISING THERE POWERS THAT COMES FROM  
ATTORNEY'S POSITION OF AUTHORITY TO TRAIN INMATE IN PROVIDING  
PROPER ASSISTANCE TO OTHER INMATES THROUGH THE LEGAL WRITER  
PROGRAM OF THE (MDOC) WITH WHO THE (MDOC) DIR. PATRICIA L. CARUSO  
HAS HIRE THESE OUT-SIDE CONTRACTOR, UNDER STATE CONTRACT  
TO CARRY OUT THERE WORK DUTIES ON THE PRISON.

2. [REDACTED]. This "causation" by this defendants of WOMEN'S LEGAL SERVICES, to provide EQUIVALENT LEGAL REPRESENTATION OF ASSISTANCE TO THIS PLAINTIFF BEFORE THIS HONORABLE (USDC), MARQUETTE, CO., in his §1983, acted in a way OR FAILED to act in a way that LED UP TO THE DEPRIVATION OF THE PLAINTIFF ALLEGED 6<sup>th</sup> AMEND. VIOLATION WHICH IS A RIGHT SECURED BY THE FEDERAL CONSTITUTION OR LAWS [REDACTED], THAT WAS COMMITTED BY THIS OUT-SIDE WOMEN'S LEGAL SERVICES CONTRACTOR, A PERSON(S) ACTING UNDER COLOR OF STATE LAW.
3. plaintiff's proof of the prevailing merits, of his claim [REDACTED] STARTED WHEN HE LEARNED OF THE (MBP) NOTICE TO PRISONERS OF LEGAL WRITER ASSISTANCE, WHICH HE BECAME ELIGIBLE FOR UNDER 1 OF THE 3 CRITERIA'S BY SUBMITTING EITHER A FORM OR KITS TO LIBRARIAN KERO. SEE SUPPORTING EVIDENT EXHIB. 1) ATTACHED (MBP) NOTICE TO PRISONERS OF LEGAL WRITER ASSISTANCE.
4. AFTER PLAINTIFF WAS APPROVED FOR THIS (LWP) ASSISTANCE THAT WAS RECEIVED FROM ANOTHER TRAINED PRISONER BY DEFENDANT'S OF WOMEN'S LEGAL SERVICES, HE ASKED FOR ASSISTANCE IN FILEING A CONSTITUTIONAL & CIVIL RIGHTS ACTION RELATED TO CONDITIONS OF CONFINEMENT. AND PLAINTIFF RECEIVED ON 3/14/08, ONE TRUE COPY OF COMPLETED §1983, FROM (MBP) L.W. MR. BURTON ADVISING ME TO MAKE TWO COPIES. SEND THE ORIGINAL & ONE COPY TO THE COURT. SEE SUPPORTING EVIDENT EXHIB. 2) ATTACHED MR. BURTON'S LETTER DATED 3/14/08.



## Additional SHEETS Attached

5. After following Mr. Burton's instructions in exhibit 2, plaintiff did mail such proper correct §1983, Actions to that Address on the bottom of the page: Office of the clerk United States District Court 229 Post Office & Federal Bldg. Marquette, MI 49855.
6. On 5/30/08, plaintiff received from that (USDC) Marquette, Court (USMD) Timothy P. Greeley recommended Disposition that plaintiff's §1983, was dismissed for failure to state a claim.
7. Plaintiff feels this notice that is required by the (MDOC) (LWP) to show that a prisoner received assistance from another prisoner who has been trained as a legal writer by an out-side contractor, women's legal services Defendants to submit such mal-practice §1983, by notice to this court or Agency, violate the deprivation of the 6th Am. to the Fed. Const. to have adequate & proper assistance of counsel for his defense. See supporting Evidents Attached exhibit 3) (LAC) (MDOC) notice to court to plaintiff dated 3/19/09.

8. it is plaintiff's understanding of defendant's duties to the information in the (mde) notice to prisoners in exhibit 1) that there purpose is to make sure there trained legal PRISONER PREPARE §1983, to see that it is not frivolous, malicious, or fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant immune from such relief.

## 9. EXHAUSTION OF LEGAL REMEDIES

Plaintiff DUSTIN ROBERT HUFFMAN USED THE STEP I (MDOC) GRIEVANCE PROCEDURE AVAILABLE AT (MBP) TO TRY [REDACTED] AND SOLVE THE PROBLEM ON 6/2/08,

I FILED GRIEVANCE, PLAINTIFF DUSTIN ROBERT HUFFMAN PRESENTED THE FACTS RELATING TO THIS COMPLAINT.

The Date of the incident was 5/30/08, I Attempted to resolve the issue with respondent on 9/6/08

With L.W. MR. BURTON, in the <sup>GRIEVANCE</sup> [REDACTED] I state:

I RECEIVED A COURT R&R DISPOSITION DENYING

my 9/1983, LAWSUIT DATED 5/30/08, I FEEL STAFF

violated PD 05.03.116, [REDACTED] my rights UNDER FED.

CONST. 6<sup>th</sup> AM. FOR MAL-PRACTICE RELIEF / COMPEN-

atorky damages \$350.00, punitive Damages \$1500.00, THANK

~~Y<sup>20</sup> [unclear] - 19 - also [unclear]~~

Additional sheets attached

10. on this date 6/22/08 DUSTIN ROBERT  
HUFFMAN, [REDACTED] SENT DECLAR-  
ation to [REDACTED] the <sup>(COORDINATOR)</sup> (GRIEVANCE) at step I:  
I ASKED MR. M. LAITINEN TO SEND ME A STEP I  
RECEIPT HE NEVER RESPONDED. [REDACTED]  
[REDACTED] SEE ATTACHED  
DECLARATION AS EXHIB. A-1) DATED 6/22/08.



Additional Sheets Attached

11. ON this date 7/16/08, DUSTIN ROBERT HOFFMAN, MAILED a [REDACTED] LETTER to (MBP) STEP I (GC) MR. LAITINEN ASKING FOR his step two APPEAL CONCERNING his 6/2/08, STEP I THAT NEVER GOT PROCESSED. AND MR. LAITINEN'S RESPONSE: [REDACTED] CANNOT [REDACTED] SEND YOU AN APPEAL FORM UNLESS YOU PROVIDE THIS OFFICE WITH A GRIEVANCE IDENTIFIER NUMBER. SEE EXHIB. J) ATTACHED WITH M. LAITINEN BLUE INK MARKER DATED 7/16/08, ON PLAINTIFF'S LETTER, [REDACTED].
12. PLAINTIFF DUSTIN HOFFMAN IS EXHAUSTED AT THIS LOCAL LOWER LEVEL DO TO MR. LAITINEN'S RESPONSE IN EXHIBIT J).

Additional sheets attached

13. ON this date DUSTIN ROBERT HOFFMAN,  
 mailed <sup>Letter</sup> [REDACTED] 6/24/08 he to (mDOC)  
 Dir. [REDACTED] ASKING FOR STEP I to process [REDACTED] FROM the [REDACTED] (GC).  
 [REDACTED]: HOWEVER it's BEEN  
 OVER (30) days since the filing of this pleading  
 and the Dir. HAS NOT RESPONDED to (sic) LETTER  
 to properly process step I AND II, IN ABSENCE  
 OF DOCUMENTATION this EXHIB. A-2) LETTER to the  
 Dir.'s OFFICE ~~Satisfies~~ EXHAUSTION [REDACTED]

14. [REDACTED]

SEE EXHIB. D) ONE DECLARATION IN SUPPORT  
 OF THE COMPLAINT 28 USC § 1746 FROM BILLY  
 JOE PAIGE # 211567, WITNESS MAKING DECLARA-  
 TION FOR PLAINTIFF DUSTIN R. HOFFMAN.  
 Attached.



## Additional Sheets Attached

15. "upon information and belief."

(moo) policy directive 05.03.116, EFF. DATE

01/01/08. subj: prisoners' access to the courts

PAR 9. m) Legal writer program, the legal writer program provides eligible prisoners in Correctional Facilities Administration (CFA) institutions with legal assistance on matters relating to their criminal conviction or conditions of confinement. only prisoners not represented by counsel who are unable to effectively help themselves by using the law library or other available legal resources are eligible to receive the assistance. The legal assistance shall be provided through prisoners at the institution who are assigned to the legal writer program and have successfully completed all required training ("legal writers").

A staff person (KERO) designated by the warden (Gerald Hofbauer) shall provide oversight and supervision of the program and supervise the legal writers. there is no attorney-client privilege between the legal writers and the prisoner receiving the assistance. PAR 9. n) NO. 3 HAS a documented physical or mental impairment or a learning disability which may affect his ability to use the law library to prepare & file...

Additional sheets attached

16. "upon information and belief."

a legible and coherent pleading. par. P).  
After meeting with the prisoner, the legal  
writer will prepare all necessary pleadings,  
motions, and other documents for the prisoner  
under the direction of off-site private attorneys  
under contract with the Dept. if the prisoner  
receiving the assistance is dissatisfied with the  
quality of the documents received, he may address  
the matter with the legal writer; however, the  
legal writer program does not operate as a  
"typing service" for the prisoner and changes will  
not be made solely based on the prisoner's personal  
preferences (e.g., different formatting; phrasing  
of legal argument). Approved: PLC 12/20/07.

I DUSTIN R. HUFFMAN, plaintiff Ask for this information  
 from prisoner Billy Paige #211567, who is not a plaintiff  
 in this lawsuit, on how to prepare this §1983, and he told me  
 because I have a mental impairment and Learning disability  
 called (ADHD) & bi-polar. he told me as my witness in this  
 claim it is proper to include this kind of information in my  
 lawsuit. because the Right of Access to the courts belongs  
 to the person who wishes to be heard, not to the person who  
 seeks to assist him - (10) - in that effort.



## Additional sheets Attached

### Legal Claims

17. Plaintiff Dustin Robert Hoffman, [REDACTED] RECALLED and INCORPORATE by REFERENCE paragraphs 5 through 8, AFTER the first four sections of this complaint. as follows:

Paragraph 5). After following Mr. Burton's instructions in Exhibit 2). Plaintiff did mail such proper correct § 1983, Actions to that ADDRESS ON THE bottom of the page; OFFICE OF THE CLERK UNITED STATES DISTRICT COURT 229 POST OFFICE & FEDERAL BLDG. MARQUETTE, MI 49855.

Paragraph 6). ON 5/30/08, plaintiff RECEIVED from that (USDC) MARQUETTE, COURT (USMD) Timothy P. Greeley RECOMMENDED DISPOSITION that plaintiff's § 1983, WAS DISMISSED FOR FAILURE to state a claim.



Additional SHEETS Attached

para. 7). Plaintiff feels this notice that is by the (mDOC) (LWP) to show that a prisoner received assistance from another prisoner who ~~has~~ been trained as a legal writer by an out-side contractor, women's legal services defendant's to submit such mal-practice § 1983, by notice to this court or agency. Violate the deprivation of the 6<sup>th</sup> am. to the Fed. const. to have adequate & proper assistance of counsel for his defense. see supporting evidents attached. Exhib. 3) (LAC) (mDOC) notice to court to plaintiff dated 3/19/08, sample.

para. 8). it is plaintiff's understanding of defendant's duties to the information in the (mDOC) notice to prisoners in exhib. 1) that there purpose is to [REDACTED] make sure there trained legal prisoner prepare § 1983, to see that it is not frivolous, malicious, or fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant immune from such relief.

• Additional Sheets Attached

18. The plaintiff has no plain, adequate or complete remedy at law to redress the wrongs described herein. plaintiff has been and will continue to be irreparably injured by the conduct of the defendants unless this court grants the declaratory and monetary damages relief which plaintiff seeks.

PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully prays that this court enter judgment granting plaintiff:

V. Relief

State briefly and precisely what you want the court to do for you.

I respectfully request that this Honorable Court

ENTER JUDGMENT GRANTING PLAINTIFF: A DECLARATION THAT

the acts and omissions described herein violated plaintiff's rights under the constitution & laws of the United States, compensatory damages in the amount of \$350.00, against defendants jointly, punitive damages in the amount \$1500.00, against defendants jointly. A jury trial on all issues triable by jury, plaintiff's costs in this suit. ANY ADDITIONAL RELIEF THIS COURT DEEMS JUST, PROPER, AND EQUITABLE.

8/21/08

Date

Dustin Robert Huffman

Signature of Plaintiff - Dustin Robert Huffman

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

VERIFICATION

I HAVE READ THE FOREGOING COMPLAINT AND HEREBY VERIFY THAT THE MATTERS ALLEGED THEREIN ARE TRUE, EXCEPT AS TO MATTERS ALLEGED ON INFORMATION AND BELIEF, AND, AS TO THOSE, I BELIEVE THEM TO BE TRUE. I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Dustin Robert Huffman  
429958 Lock #F/B/03  
(MBP) 1960 US 41 HWY.  
SOUTH, MARQUETTE,  
MI 49855-9131